

**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**New Case Electronically Filed:**  
**October 25, 2018 11:40**

By: ROBERT P. RUTTER 0021907

Confirmation Nbr. 1532607

JEFFREY KAHL, ADMINISTRATOR

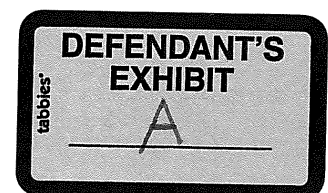
CV 18 905974

vs.

**Judge: NANCY A. FUERST**

SPECTRUM SECURITY, LLC. DBA SPECTRUM, ET  
AL.

Pages Filed: 5



IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

JEFFREY KAHL, Administrator of the  
Estate of HEATHER KAHL  
777 Abbott Drive  
Mansfield, Ohio 44905

Plaintiff

vs.

SPECTRUM SECURITY, LLC dba  
SPECTRUM  
c/o Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

and

TWC SECURITY, LLC dba TIME  
WARNER  
c/o Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

and

TWC SECURITY, INC. dba TIME  
WARNER CABLE  
c/o C.T. Corporation System  
1300 East 9<sup>th</sup> Street  
Cleveland, Ohio 44114

and

CHARTER COMMUNICATIONS, INC.  
dba SPECTRUM  
c/o Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

and

JOHN DOE #1

CASE NO.:

JUDGE

COMPLAINT  
(With Jury Demand)

and  
JOHN DOE #2  
Defendants

### **JURISDICTIONAL ALLEGATIONS**

1. Jeffrey Kahl is the surviving spouse of Heather Kahl, who was killed in a fire at 777 Abbott Drive, Mansfield, Ohio on October 29, 2017. He is also the Administrator of the Estate of Heather Kahl, Richland County Probate Court Number 20181107. Jeffrey and Heather have two minor children, Lillian and Jolena.

2. Defendants are all corporations licensed to do business in Ohio. They provide or provided in the past cable telecommunications and home security systems to Ohio consumers throughout the state, including in Richland County and Cuyahoga County. The services provided included the marketing, sale, installation, servicing, and monitoring of a whole-house security and alarm system known IntelligentHome. Within Ohio, one or more of the defendants have their principal place of business in Cuyahoga County.

3. Defendants provided these services to the Kahl residence under the name IntelligentHome. Among the home security devices installed was a smoke detector.

4. On October 29, 2017 a fire occurred in the Kahl residence while Heather was home alone. The alarm time was 5:33 a.m. and the fire department arrived on the scene at 5:38 a.m. By the time the fire department arrived, the fire had already broken through the roof and the smoke was banked down from the ceiling.

5. Heather's body was found in the living room wedged against the inside of the front door. She had been sleeping on the living room couch. The autopsy found soot lining the

trachea and bronchi, indicating that she awoke during the fire and attempted to exit the house before being overcome by smoke.

6. The smoke detector installed by the defendants in the Kahl residence did not work on the day of the fire, and this failure was a proximate cause of Heather's death. If the smoke detector had functioned as intended, it would have alerted Heather to the fire and smoke in time for her to leave the house and survive the fire.

7. Prior to the fire, the defendants had notice that the smoke detector that they had installed in the Kahl residence was not working properly.

8. As a result of Heather's death, Jeffrey, Lillian, and Jolena have all suffered damages, as did Heather's other next-of-kin.

9. Pursuant to R.C. §2125.02, Jeff, Lillian, and Jolena are rebuttably presumed to have suffered damages by reason of Heather's wrongful death, including:

- Loss of support from Heather's reasonably expected earning capacity;
- Loss of Heather's services;
- Loss of Heather's society, companionship, consortium, care, assistance, attention, protection, advice, guidance, counsel, instruction, training and education;
- Loss of prospective inheritance;
- The mental anguish suffered by both Jeffrey, Lillian, and Jolena and other next-of-kin.

**COUNT ONE  
(Negligence)**

10. Plaintiff restates the above allegations.

11. The defendants were under a common law duty to exercise ordinary and reasonable care in the marketing, installation, service, monitoring, and maintenance of the home

security system and the smoke detector. The defendants breached this duty. The defendants' negligence was the proximate cause of Heather's death.

12. This action is brought by the duly-appointed administrator of Heather's estate for the benefit of Jeffrey, Lillian, Jolena and Heather's other next-of-kin to recover damages proximately caused by the defendants' negligence.

13. Plaintiff prays for judgment on this count in an amount in excess of \$25,000, plus attorney fees and costs as allowed by law.

**COUNT TWO  
(Survivorship Claim)**

14. Plaintiff restates the above allegations.

15. Heather incurred conscious pain and suffering prior to her death. She also suffered damage to her clothing and personal effects.

16. Pursuant to R.C. §2305.21, Heather's claim for personal damages survives her death.

17. This claim is brought by Jeffrey Kahl, Administrator of the Estate of Heather Kahl for the benefit of the estate to recover damages proximately caused by the defendants' negligence.

18. Plaintiff prays for judgment on this count in an amount in excess of \$25,000, plus attorney fees and costs as allowed by law.

**COUNT THREE  
(Punitive Damages)**

19. Plaintiff restates the above allegations.

20. The defendants' actions exhibited a conscious disregard for the rights and safety of Heather, thus entitling her, as part of the survivorship claim, to punitive damages.

Wherefore, plaintiff prays for judgment against the defendants as set forth above.

Respectfully submitted,

/s/ Robert P. Rutter

Robert P. Rutter (0021907)  
Justin Rudin (0087368)  
RUTTER & RUSSIN, LLC  
One Summit Office Park, Suite 650  
4700 Rockside Road  
Cleveland, Ohio 44131  
(216) 642-1425  
brutter@OhioInsuranceLawyer.com  
jrudin@OhioInsuranceLawyer.com

**JURY DEMAND**

Plaintiff hereby requests, pursuant to Civil Rule 38(B), a trial by jury of all of the issues in the within lawsuit.

/s/ Robert P. Rutter

ROBERT P. RUTTER  
Attorney for Plaintiff

**CASE NO.**  
CV18905974

D1 FX

**SUMMONS NO.**  
36860277

Rule 4 (B) Ohio

Rules of Civil  
Procedure

JEFFREY KAHL, ADMINISTRATOR  
VS  
SPECTRUM SECURITY, LLC. DBA SPECTRUM,  
ET AL.

**PLAINTIFF**

**DEFENDANT**

## SUMMONS

SPECTRUM SECURITY, LLC  
DBA SPECTRUM  
C/O CORPORATION SERVICE COMPANY  
50 WEST BROAD STREET, SUITE 1330  
COLUMBUS OH 43215

Said answer is required to be served on:

Plaintiff's Attorney

JUSTIN P RUDIN  
4700 ROCKSIDE ROAD  
  
ONE SUMMIT OFFICE PARK, SUITE 650  
INDEPENDENCE, OH 44131-0000

Case has been assigned to Judge:

NANCY A FUERST  
Do not contact judge. Judge's name is given for  
attorney's reference only.

You have been named defendant in a sums  
complaint (copy attached hereto) filed in Cuyahoga  
County Court of Common Pleas, Cuyahoga County  
Justice Center, Cleveland, Ohio 44113, by the  
plaintiff named herein.

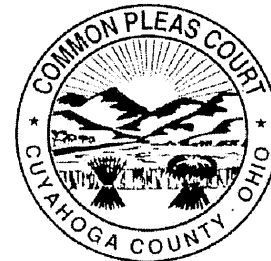
You are hereby summoned and required to answer  
the complaint within 28 days after service of this  
summons upon you, exclusive of the day of service.

Said answer is required to be served on Plaintiff's  
Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court  
within 3 days after service of said answer on  
plaintiff's attorney.

If you fail to do so, judgment by default will be  
rendered against you for the relief demanded in the  
complaint.

NAILAH K. BYRD  
Clerk of the Court of Common Pleas



**DATE SENT**

Oct 26, 2018

By \_\_\_\_\_

Deputy

COMPLAINT FILED 10/25/2018



**CASE NO.**  
CV18905974

D2 FX

**SUMMONS NO.**  
36860278

Rule 4 (B) Ohio

Rules of Civil  
Procedure

JEFFREY KAHL, ADMINISTRATOR  
**VS**  
SPECTRUM SECURITY, LLC. DBA SPECTRUM,  
ET AL.

**PLAINTIFF**

**DEFENDANT**

## SUMMONS

TWC SECURITY, LLC  
DBA TIME WARNER  
C/O CORPORATION SERVICE COMPANY  
50 WEST BROAD STREET, SUITE 1330  
COLUMBUS OH 43215

Said answer is required to be served on:

Plaintiff's Attorney

JUSTIN P RUDIN  
4700 ROCKSIDE ROAD  
  
ONE SUMMIT OFFICE PARK, SUITE 650  
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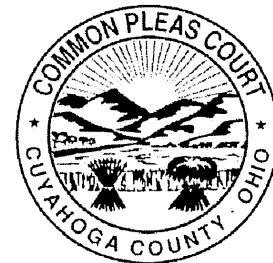
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By \_\_\_\_\_

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**CASE NO.**  
CV18905974

D3 FX

**SUMMONS NO.**  
36860279

Rule 4 (B) Ohio

Rules of Civil  
Procedure

JEFFREY KAHL, ADMINISTRATOR  
**VS**  
SPECTRUM SECURITY, LLC. DBA SPECTRUM,  
ET AL.

**PLAINTIFF**

**DEFENDANT**

## SUMMONS

TWC SECURITY, INC.  
DBA TIME WARNER CABLE  
C/O C.T. CORPORATION SYSTEM  
1300 EAST 9TH STREET  
  
CLEVELAND OH 44114

Said answer is required to be served on:

Plaintiff's Attorney

JUSTIN P RUDIN  
4700 ROCKSIDE ROAD  
  
ONE SUMMIT OFFICE PARK, SUITE 650  
INDEPENDENCE, OH 44131-0000

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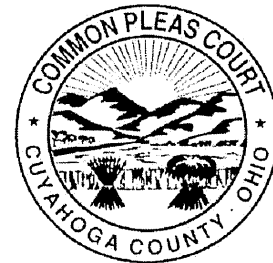
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Clerk of the Court of Common Pleas

*[Signature]*

By \_\_\_\_\_  
Deputy



**DATE SENT**

Oct 26, 2018

COMPLAINT FILED 10/25/2018



**CASE NO.**  
CV18905974

D4 FX

**SUMMONS NO.**  
36860280

Rule 4 (B) Ohio

Rules of Civil  
Procedure

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VS  
SPECTRUM SECURITY, LLC. DBA SPECTRUM,  
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**PLAINTIFF**

**DEFENDANT**

## SUMMONS

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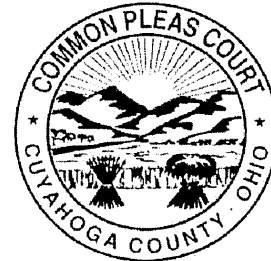
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